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SWIDLER BERLIN SHEREFF FRIEDMAN, LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			CERVETTI, DAVID GARCIA	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,769

Applicant(s)

GRYAZNOV, DMITRY

Examiner

David G. Cervetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 200 (page 9, line 9). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 304 (figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

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or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: "**FIG. 3** is an exemplary flow diagram of a process of operation of an update control program **shown in FIG. 3**" (page 5, lines 9-10); "update servers 108A-N" (page 8, line 8, perhaps 106A-N was intended); "network 210" (page 13, line 5, perhaps 104 was intended).

Appropriate correction is required.

Claim Objections

4. Claim 35 is objected to because of the following informalities: "The system of claim 35". Perhaps "The system of claim 34" was intended. The examiner has interpreted claim 35 to read "The system of claim 34" for the purposes of this document.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-10, 13-14, 22, 25-31, 34-35, 43, 46-52, 55-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowley (US Patent Number: 5,999,740).

Regarding claim 1, Rowley teaches initiating an update of a plurality of anti-virus programs (column 5, lines 22-28); determining information to be updated (column 5, lines 29-34); transferring a plurality of updates (column 5, lines 35-67, column 6, lines 1-13); and installing the plurality of updates (column 6, lines 14-29).

Regarding claim 4, Rowley teaches wherein the determining step comprises the step of: determining information to update based on information relating to the information to be updated and on information relating to the plurality of updates (column 5, lines 29-41).

Regarding claim 5, Rowley teaches wherein the information relating to the information to be updated comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 6, Rowley teaches wherein the information relating to the plurality of updates comprises at least one of a version, a creation date, a modification

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date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 7, Rowley teaches wherein the information relating to the information to be updated and the information relating to the plurality of updates comprises script or data files including information indicating the information to be updated and the information relating to the plurality of updates (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 8, Rowley teaches wherein the transferring step comprises the step of: transferring the update using a standard, non-standard, or proprietary protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 9, Rowley teaches wherein the standard protocol comprises hypertext transfer protocol or file transfer protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 10, Rowley teaches wherein the installing step comprises at least one of: decompressing a compressed update (column 6, lines 57-58), decrypting an encrypted update (column 6, lines 57-59), and copying a file included in an update to a directory (column 6, lines 53-67).

Regarding claim 13, Rowley teaches wherein the transferring step comprises the step of: transferring the update using a standard, non-standard, or proprietary protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 14, Rowley teaches wherein the installing step comprises at least one of: decompressing a compressed update (column 6, lines 57-58), decrypting

an encrypted update (column 6, lines 57-59), and copying a file included in an update to a directory (column 6, lines 53-67).

Regarding claim 22, Rowley teaches: a processor operable to execute computer program instructions (column 3, lines 25-39); a memory operable to store computer program instructions executable by the processor (column 3, lines 25-39); and computer program instructions stored in the memory and executable to perform the steps of (column 3, lines 25-39): initiating an update of a plurality of anti-virus programs (column 5, lines 22-28); determining information to be updated (column 5, lines 29-34); transferring a plurality of updates (column 5, lines 35-67, column 6, lines 1-13); and installing the plurality of updates (column 6, lines 14-29).

Regarding claim 25, Rowley teaches wherein the determining step comprises the step of: determining information to update based on information relating to the information to be updated and on information relating to the plurality of updates (column 5, lines 29-41).

Regarding claim 26, Rowley teaches wherein the information relating to the information to be updated comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 27, Rowley teaches wherein the information relating to the plurality of updates comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 28, Rowley teaches wherein the information relating to the information to be updated and the information relating to the plurality of updates comprises script or data files including information indicating the information to be updated and the information relating to the plurality of updates (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 29, Rowley teaches wherein the transferring step comprises the step of: transferring the update using a standard, non-standard, or proprietary protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 30, Rowley teaches wherein the standard protocol comprises hypertext transfer protocol or file transfer protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 31, Rowley teaches wherein the installing step comprises at least one of: decompressing a compressed update (column 6, lines 57-58), decrypting an encrypted update (column 6, lines 57-59), and copying a file included in an update to a directory (column 6, lines 53-67).

Regarding claim 34, Rowley teaches wherein the transferring step comprises the step of: transferring the update using a standard, non-standard, or proprietary protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 35, Rowley teaches wherein the installing step comprises at least one of: decompressing a compressed update (column 6, lines 57-58), decrypting an encrypted update (column 6, lines 57-59), and copying a file included in an update to a directory (column 6, lines 53-67).

Regarding claim 43, Rowley teaches a computer readable medium (column 3, lines 25-39, column 7, lines 10-15); computer program instructions, recorded on the computer readable medium, executable by a processor (column 3, lines 25-39, column 7, lines 10-15), for performing the steps of initiating an update of a plurality of anti-virus programs (column 5, lines 22-28); determining information to be updated (column 5, lines 29-34); transferring a plurality of updates (column 5, lines 35-67, column 6, lines 1-13); and installing the plurality of updates (column 6, lines 14-29).

Regarding claim 46, Rowley teaches wherein the determining step comprises the step of: determining information to update based on information relating to the information to be updated and on information relating to the plurality of updates (column 5, lines 29-41).

Regarding claim 47, Rowley teaches wherein the information relating to the information to be updated comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 48, Rowley teaches wherein the information relating to the plurality of updates comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 49, Rowley teaches wherein the information relating to the information to be updated and the information relating to the plurality of updates comprises script or data files including information indicating the information to be

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updated and the information relating to the plurality of updates (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 50, Rowley teaches wherein the transferring step comprises the step of: transferring the update using a standard, non-standard, or proprietary protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 51, Rowley teaches wherein the standard protocol comprises hypertext transfer protocol or file transfer protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 52, Rowley teaches wherein the installing step comprises at least one of: decompressing a compressed update (column 6, lines 57-58), decrypting an encrypted update (column 6, lines 57-59), and copying a file included in an update to a directory (column 6, lines 53-67).

Regarding claim 55, Rowley teaches wherein the transferring step comprises the step of: transferring the update using a standard, non-standard, or proprietary protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 56, Rowley teaches wherein the installing step comprises at least one of: decompressing a compressed update (column 6, lines 57-58), decrypting an encrypted update (column 6, lines 57-59), and copying a file included in an update to a directory (column 6, lines 53-67).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 23-24, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley as applied to claims 1, 22, and 43 respectively above, and further in view of Fletcher et al. (US Patent Number: 6,009,274).

Regarding claim 2, Rowley does not disclose expressly wherein the initiating step comprises the step of: periodically initiating an update. However, Fletcher et al. teach wherein the initiating step comprises the step of: periodically initiating an update (column 12, lines 45-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to initiate an update at specific intervals. One of ordinary skill in the art would have been motivated to perform such a modification to update software remotely and automatically (Fletcher et al., column 4, lines 51-62).

Regarding claim 3, Fletcher et al. teach wherein the initiating step comprises the step of: initiating an update based on at least one predefined condition (column 4, lines 51-62).

Regarding claim 23, Rowley does not disclose expressly wherein the initiating step comprises the step of: periodically initiating an update. However, Fletcher et al. teach wherein the initiating step comprises the step of: periodically initiating an update

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(column 12, lines 45-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to initiate an update at specific intervals. One of ordinary skill in the art would have been motivated to perform such a modification to update software remotely and automatically (Fletcher et al., column 4, lines 51-62).

Regarding claim 24, Fletcher et al. teach wherein the initiating step comprises the step of: initiating an update based on at least one predefined condition (column 4, lines 51-62).

Regarding claim 44, Rowley does not disclose expressly wherein the initiating step comprises the step of: periodically initiating an update. However, Fletcher et al. teach wherein the initiating step comprises the step of: periodically initiating an update (column 12, lines 45-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to initiate an update at specific intervals. One of ordinary skill in the art would have been motivated to perform such a modification to update software remotely and automatically (Fletcher et al., column 4, lines 51-62).

Regarding claim 45, Fletcher et al. teach wherein the initiating step comprises the step of: initiating an update based on at least one predefined condition (column 4, lines 51-62).

9. Claims 11-12, 32-33, and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley as applied to claims 1, 22, and 43 respectively above, and further in view of Gupta et al. (US Patent Number: 6,226,752).

Regarding claim 11, Rowley does not disclose expressly logging in to a server containing an update. However, Gupta et al. teach logging in to a server (column 12, lines 24-40) containing an update. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require users to log in to a server prior to updating software. One of ordinary skill in the art would have been motivated to perform such a modification to ensure a particular user is authorized and authenticated prior to permitting access to the information (Gupta et al., column 4, lines 30-40).

Regarding claim 12, Gupta et al. teach wherein the logging in step comprises at least one of: transmitting a username and password, filling and submitting an online form, accessing a cookie, and redirecting to another location (column 12, lines 24-40).

Regarding claim 32, Rowley does not disclose expressly logging in to a server containing an update. However, Gupta et al. teach logging in to a server (column 12, lines 24-40) containing an update. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require users to log in to a server prior to updating software. One of ordinary skill in the art would have been motivated to perform such a modification to ensure a particular user is authorized and authenticated prior to permitting access to the information (Gupta et al., column 4, lines 30-40).

Regarding claim 33, Gupta et al. teach wherein the logging in step comprises at least one of: transmitting a username and password, filling and submitting an online form, accessing a cookie, and redirecting to another location (column 12, lines 24-40).

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Regarding claim 53, Rowley does not disclose expressly logging in to a server containing an update. However, Gupta et al. teach logging in to a server (column 12, lines 24-40) containing an update. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require users to log in to a server prior to updating software. One of ordinary skill in the art would have been motivated to perform such a modification to ensure a particular user is authorized and authenticated prior to permitting access to the information (Gupta et al., column 4, lines 30-40).

Regarding claim 54, Gupta et al. teach wherein the logging in step comprises at least one of: transmitting a username and password, filling and submitting an online form, accessing a cookie, and redirecting to another location (column 12, lines 24-40).

10. Claims 15-16, 36-37, and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley as applied to claims 14, 35, and 56 respectively above, and further in view of Gupta et al.

Regarding claim 15, Rowley does not disclose expressly logging in to a server containing an update. However, Gupta et al. teach logging in to a server (column 12, lines 24-40) containing an update. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require users to log in to a server prior to updating software. One of ordinary skill in the art would have been motivated to perform such a modification to ensure a particular user is authorized and authenticated prior to permitting access to the information (Gupta et al., column 4, lines 30-40).

Regarding claim 16, Gupta et al. teach wherein the logging in step comprises at least one of: transmitting a username and password, filling and submitting an online form, accessing a cookie, and redirecting to another location (column 12, lines 24-40).

Regarding claim 36, Rowley does not disclose expressly logging in to a server containing an update. However, Gupta et al. teach logging in to a server (column 12, lines 24-40) containing an update. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require users to log in to a server prior to updating software. One of ordinary skill in the art would have been motivated to perform such a modification to ensure a particular user is authorized and authenticated prior to permitting access to the information (Gupta et al., column 4, lines 30-40).

Regarding claim 37, Gupta et al. teach wherein the logging in step comprises at least one of: transmitting a username and password, filling and submitting an online form, accessing a cookie, and redirecting to another location (column 12, lines 24-40).

Regarding claim 57, Rowley does not disclose expressly logging in to a server containing an update. However, Gupta et al. teach logging in to a server (column 12, lines 24-40) containing an update. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require users to log in to a server prior to updating software. One of ordinary skill in the art would have been motivated to perform such a modification to ensure a particular user is authorized and authenticated prior to permitting access to the information (Gupta et al., column 4, lines 30-40).

Regarding claim 58, Gupta et al. teach wherein the logging in step comprises at least one of: transmitting a username and password, filling and submitting an online form, accessing a cookie, and redirecting to another location (column 12, lines 24-40).

11. Claims 17-19, 38-40, and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley, and further in view of Gupta et al.

Regarding claim 17, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 16 above. Furthermore, Rowley teaches wherein the standard protocol comprises hypertext transfer protocol or file transfer protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 18, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 17 above. Furthermore, Rowley teaches wherein the information relating to the plurality of updates comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 19, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 17 above. Furthermore, Rowley teaches wherein the information relating to the information to be updated and the information relating to the plurality of updates comprises script or data files including information indicating the information to be updated and the information relating to the plurality of updates (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 38, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 37 above. Furthermore, Rowley teaches wherein the

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standard protocol comprises hypertext transfer protocol or file transfer protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 39, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 38 above. Furthermore, Rowley teaches wherein the information relating to the plurality of updates comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 40, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 38 above. Furthermore, Rowley teaches wherein the information relating to the information to be updated and the information relating to the plurality of updates comprises script or data files including information indicating the information to be updated and the information relating to the plurality of updates (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 59, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 58 respectively above. Furthermore, Rowley teaches wherein the standard protocol comprises hypertext transfer protocol or file transfer protocol (column 3, lines 5-10, column 7, lines 10-15).

Regarding claim 60, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 59 above. Furthermore, Rowley teaches wherein the information relating to the plurality of updates comprises at least one of a version, a creation date, a modification date, file sizes, and presence or absence of files (column 2, lines 23-54, column 5, lines 35-65).

Regarding claim 61, the combination of Rowley and Gupta et al. teaches the limitations as set forth under claim 59 above. Furthermore, Rowley teaches wherein the information relating to the information to be updated and the information relating to the plurality of updates comprises script or data files including information indicating the information to be updated and the information relating to the plurality of updates (column 2, lines 23-54, column 5, lines 35-65).

12. Claims 20-21, 41-42, and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley and Gupta et al. as applied to claims 17, 38, and 59 respectively above, and further in view of Fletcher et al.

Regarding claim 20, the combination of Rowley and Gupta et al. does not disclose expressly wherein the initiating step comprises the step of: periodically initiating an update. However, Fletcher et al. teach wherein the initiating step comprises the step of: periodically initiating an update (column 12, lines 45-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to initiate an update at specific intervals. One of ordinary skill in the art would have been motivated to perform such a modification to update software remotely and automatically (Fletcher et al., column 4, lines 51-62).

Regarding claim 21, Fletcher et al. teach wherein the initiating step comprises the step of: initiating an update based on at least one predefined condition (column 4, lines 51-62).

Regarding claim 41, the combination of Rowley and Gupta et al. does not disclose expressly wherein the initiating step comprises the step of: periodically initiating

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an update. However, Fletcher et al. teach wherein the initiating step comprises the step of: periodically initiating an update (column 12, lines 45-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to initiate an update at specific intervals. One of ordinary skill in the art would have been motivated to perform such a modification to update software remotely and automatically (Fletcher et al., column 4, lines 51-62).

Regarding claim 42, Fletcher et al. teach wherein the initiating step comprises the step of: initiating an update based on at least one predefined condition (column 4, lines 51-62).

Regarding claim 62, the combination of Rowley and Gupta et al. does not disclose expressly wherein the initiating step comprises the step of: periodically initiating an update. However, Fletcher et al. teach wherein the initiating step comprises the step of: periodically initiating an update (column 12, lines 45-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to initiate an update at specific intervals. One of ordinary skill in the art would have been motivated to perform such a modification to update software remotely and automatically (Fletcher et al., column 4, lines 51-62).

Regarding claim 63, Fletcher et al. teach wherein the initiating step comprises the step of: initiating an update based on at least one predefined condition (column 4, lines 51-62).

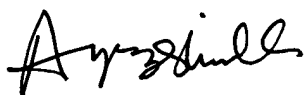
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100